

REMARKS

Claims 1-55 remain pending. The Office Action rejected claims 1-13, 18, 19-30, 35-47, and 52-55 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,564,249 to Shiigi ("Shiigi") in view of U.S. Patent Publication No. 2002/0143994 to Sun et al. ("Sun"). Claims 14-17, 31-34, and 48-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shiigi and Sun further in view of U.S. Patent No. 6,779,178 to Lloyd et al. ("Lloyd"). Despite applicant's reasoning in the previous response, the Office Action maintains the same rejections over Shiigi, Sun and Lloyd et al. Applicant respectfully traverses the rejections.

Rejection of Claims 1-13, 18, 19-30, 35-47, and 52-55 under 35 U.S.C. §103(a)

As understood by applicant, Shiigi discloses graphical email system that allows users to send, receive and view handwritten or handdrawn email messages. Sun as understood by applicant discloses a method and apparatus for implementing ink data communication between multiple parties using computing and/or communication devices on a network. Contrary to the Office Action, however, Shiigi and Sun fail to disclose, suggest, or teach every element claimed in independent claims 1, 19, 36, and 53. For instance, Shiigi and Sun, taken alone or in combination, do not disclose, suggest, or teach at least "a chat record comprising one or more instant text messages from a currently ongoing instant text messaging session" and "handwritten stroke information message objects anywhere within said recording field to thereby annotate said one or more instant text messages in said chat record," as claimed in independent claims 1, 19, 36 and 53.

While Shiigi appears to disclose an email system that handles handwritten or handdrawn messages, Shiigi lacks in suggesting or teaching to "annotate" "instant text messages" with "handwritten stroke information message objects." Rather, Shiigi is concerned with sending and

receiving graphical email independent and separate from any conventional text messages. Shiigi as understood by applicant provides a graphical capture area to handwrite or handdraw messages. The handwritten or handdrawn messages are then converted to pixel data (screen coordinates, color, intensity) and sent to a server. A component on the server converts the pixel data to a gif file attachment to a standard email body. Shiigi further discourages using text messages (see Shiigi, Col. 1, line 57 – Col. 2, line 19) and emphasizes, “The invention allows users to communicate using handwriting input rather than text input” (Shiigi, Col. 12, lines 8-11). Therefore, applicant believes that Shiigi does not disclose, suggest or teach to annotate a text message with handwritten message.

Similarly, while Sun appears to discuss communicating ink data using the current chat and instant messaging infrastructure, Sun like Shiigi also does not mention integrating ink data with instant messaging text data in an instant messaging or chat system in such a way that allows a user to directly input ink data into an ongoing instant messaging or chat session and thereby annotate the text message with ink data. Rather, Sun appears to disclose using instant messaging interface or infrastructure to send and receive ink data (See Sun, FIG. 7 and accompanying description). However, Sun does not disclose or suggest to combine instant message text data with ink data.

In response to applicant’s reasoning that neither Shiigi nor Sun discloses integrating text message with ink data, the Office Action alleges that “the language of the claim does not express the conventional text messaging are or can be integrated with its graphical message.” Applicant respectfully disagrees. Claim 1, for example, recites, “providing ... a recording field; displaying in said recording field ... one or more instant text messages ...; directly inputting handwritten stroke information message objects anywhere within said recording field to thereby annotate said one or more instant text messages ...; distributing ... said annotated one or more instant text

messages ... in said recording field.” According to claim 1, the recording field can include both text message and ink data, that is, the recording field integrates text message and ink data, for instance, so that both the text message and ink data may be distributed to and viewed by one or more users of a chat or instant messaging session. Therefore, contrary to the Office Action’s allegations, the claim language in the present application expresses that text messages are integrated with its graphical message.

For at least the foregoing reasons, applicant believes neither Shiigi nor Sun, taken alone or in combination, disclose, suggest or teach every element claimed in independent claims. Claims 2-13, 18, 20-30, 35, 37-47, 52, and 54-55, which depend directly or indirectly from the independent claims 1, 19, 36, and 53 incorporate all of the limitations of the independent claims 1, 19, 36, and 53 and are not therefore rendered obvious over Shiigi and Sun at least for those reasons provided for claims 1, 19, 36, and 53.

Rejection of Claims 14-17, 31-34, and 48-51 under 35 U.S.C. §103(a)

As previously discussed, Shiigi and Sun, whether taken alone or in combination, do not teach or suggest the subject matter recited in independent claims 1, 19, and 36. Because Lloyd does not teach or suggest the elements of claims 1, 19, and 36 that Shiigi and Sun fail to disclose, Lloyd is irrelevant. Applicant thus believes that Shiigi, Sun, and Lloyd, whether taken alone or in combination, do not teach or suggest the subject matter recited in claims 1, 19, and 36. Claims 14-17, 31-34, and 48-51, which depend directly or indirectly from the independent claims 1, 19, and 36 incorporate all of the limitations of the corresponding independent claims and are not therefore obvious over Shiigi, Sun, and Lloyd for at least those reasons provided for independent claims 1, 19, and 36.

In view of the foregoing, applicant respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call applicant's attorney at (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven Fischman', followed by a horizontal line.

Steven Fischman

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